

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BIG WILL ENTERPRISES INC.

Plaintiff,

v.

SAFEDRIVEPOD INTERNATIONAL B.V.

Defendant.

Civil Action File No.:
1:24-cv-00042-DII

**JURY TRIAL
DEMANDED**

AGREED SCHEDULING ORDER – APPENDIX A

It is hereby **ORDERED**, after consultation with the parties, that the following schedule will apply in this case:

Deadline	Item
Friday, June 28, 2024	Deadline to file a motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
Friday, May 31, 2024	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e., the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
Monday, May 13, 2024	The Parties shall file a motion to enter an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.

Monday, May 20, 2024	Each party shall complete and file the attached “Notice Concerning Reference to United States Magistrate Judge.”
Monday, July 22, 2024	The parties asserting claims for relief shall submit a written offer of settlement to opposing parties.
Monday, August 5, 2024	Each opposing party shall respond, in writing to the written offer of settlement.
Friday, July 26, 2024	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
Friday, August 9, 2024	Parties exchange claim terms for construction.
Friday, August 23, 2024	Parties exchange proposed claim constructions.
Friday, August 30, 2024	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness’s expected testimony. With respect to items 14 of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
Friday, September 6, 2024	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
Friday, September 13, 2024	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
Friday, October 4, 2024	Plaintiff files Responsive claim construction brief.
Friday, October 18, 2024	Defendant files Reply claim construction brief.
Friday, October 18, 2024	Parties to jointly email the law clerks to confirm their Markman date and to notify if any venue or jurisdictional motions remain unripe for resolution.
Friday, November 1, 2024	Plaintiff files a Sur-Reply claim construction brief.

Wednesday, November 6, 2024	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
Friday, November 8, 2024	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
Friday, December 6, 2024	Markman Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the Markman hearing approaches.
Monday, December 9, 2024	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
Friday, January 17, 2025	Deadline to add parties.
Friday, January 31, 2025	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
Friday, April 4, 2025	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.).
Friday, June 13, 2025	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
Friday, July 11, 2025	Close of Fact Discovery.
Friday, July 18, 2025	Opening Expert Reports.
Friday, August 15, 2025	Rebuttal Expert Reports.
Friday, September 5, 2025	Close of Expert Discovery.
Friday, September 12, 2025	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
Friday, September 19, 2025	Dispositive motion deadline and Daubert motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).

Friday, October 3, 2025	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).
Friday, October 17, 2025	Serve objections to pretrial disclosures/rebuttal disclosures.
Friday, October 24, 2025	Serve objections to rebuttal disclosures; file Motions in limine.
Friday, October 31, 2025	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions in limine.
Friday, November 7, 2025	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court. Deadline to file replies to motions in limine.
Friday, November 14, 2025	Deadline to meet and confer regarding remaining objections and disputes on motions in limine.
Friday, October 17, 2025	Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates.
Tuesday, November 18, 2025	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.
	Final Pretrial Conference. Held in person unless otherwise requested.
	Jury Selection/Trial.

Signed On _____, 2024.

UNITED STATES DISTRICT JUDGE